

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6443 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

PRAHLADBHAI CHELABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PRASHANT G DESAI for Petitioners
Ms MANISHA LAVKUMAR, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 15/07/1999

ORAL JUDGEMENT

Heard Mr Purohit for Mr PG Desai, learned counsel
for the petitioners and Ms Manisha Lavkumar, learned AGP
for the respondents.

2. The petitioners have challenged the order passed
by the State Government under Section 34 of the the Urban
Land (Ceiling & Regulation) Act, 1976 and further
proceedings before the Competent Authority. In view of

the ad-interim stay granted by this Court, the Competent Authority has not proceeded further in the matter and possession of the land in question is also not taken over from the petitioners, which fact is not in dispute in view of the instructions received by the learned AGP from Mr C.L. Patel, Mamlatdar in the office of the Competent Authority.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 15, 1999 (M.S. Shah, J.)

sundar/-